



Community Services,
Seniors and Labour

What Happens Now:

A booklet for persons charged with a
sexual offence involving a child



Prepared by:
Provincial Child Sexual Abuse Advisory Committee

What Happens Now:

A booklet for family or friends of a person charged with a sexual offence against a child

This pamphlet contains information for family and friends of people who have been charged with a sexual offence against a child.

When a sexual offence against a child is reported, the police and child protection investigate. If someone has sexually abused a child, it is important that the person be held accountable. The person deserves to be treated with respect through the process and to get the help that is needed.

What is child sexual abuse?

Child sexual abuse is any kind of sexual behaviour that an adult, or someone with power over a child, directs toward a child. It may include:

- Touching, rubbing or kissing a child's genitals or private areas for a sexual reason
- Getting a child to touch, rub or kiss the genitals or private areas of someone else
- Showing genitals or private areas to a child

- Getting a child to watch someone else engage in sexual behaviour
- Getting a child to look at sexual materials, such as pictures, videos or computer images
- Penetrating a child's vagina or anus with a body part or any other object for a sexual purpose
- Watching a child getting dressed, bathe or use the toilet, for a sexual purpose
- Taking pictures of a child's genitals or private areas for a sexual purpose
- Taking pictures or videos of a child doing sexual acts.

Sexual activity without consent is a crime. In Canada, the law states that children under the age of sixteen are not mature enough to give consent to sexual activity with adults. A child's silence or 'going along with' the sexual activity is not considered consent.

The law says that young people can consent to sexual activity with each other if they are close in age. However, the older person cannot be in a position of trust or authority over the younger person. A person in a position of trust or authority may include a parent, teacher, coach, babysitter or counsellor. A person in a position of trust or authority cannot legally engage in sexual activity with someone under the age of 18.

Sexual abuse of a child is never a child's fault. Abusers must be held accountable for these acts because they are crimes.

Why do people sexually abuse children?

Some people are sexually attracted to children. Some of these people never act on this attraction, but some do.

Some people who sexually abuse children have relationships and sexual contact with other adults. At times of increased stress in their lives they may approach a child sexually because they feel less threatened by children.

Some people sexually abuse children to feel power and control.

Some people who have sexually abused a child were sexually abused themselves when they were children. However, most victims of child sexual abuse do not sexually abuse children.

Many people who have sexually abused a child try to excuse their behaviour. They may tell themselves that their actions did not harm the child, or that the child will not remember what happened, or that the child was willing, or that they couldn't help themselves. However, people who sexually abuse children make a choice to abuse children and are responsible for their actions. Children are vulnerable because of the power and control adults or older children have over them.

There is help available at the Community Justice Resource Centre (902-368-6391) for people who have sexual thoughts or attractions toward children.

What happens after someone has been accused of sexually abusing a child?

If someone has been accused of sexually abusing a child, an investigation will take place. This will involve the police and child protection workers.

- Police officers and child protection workers usually interview the child together as a team. This is usually done in a child-friendly room that looks like a living room. The interview is videotaped. This reduces the number of times the child will have to repeat his or her story.
- The police officer usually interviews other people who may have information related to the accusations.
- The police officer will contact the person who has been accused of the crime and may interview him or her.
- The child protection worker will talk to the child and his or her family about the child's future contact with the accused person. The worker will determine whether there are other children who might have been abused, and will also assess the safety and support needs of the child and his or her family. There may be limits placed on the accused person's contact with the child and with other children in the family. These limits may include no contact or supervised contact only.

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- The police officer decides if there is enough evidence to lay a criminal charge. The officer will usually talk with a Crown Attorney before making this decision.
- If the police lay a charge but the Crown decides that there is no reasonable chance of a conviction, or that proceeding with the charge would not be in the public's interest, the case will not go ahead at that time. If more evidence is found at a later date, charges may be laid then. Even if the case does not proceed, child protection may be involved and may set conditions to protect the child and other children.
- If someone is charged with sexually abusing a child, he or she may be asked by a police officer or a Justice of the Peace to sign an "undertaking." This is a document stating the charge and the conditions that the accused must follow. One condition may be that the accused person not have any contact with the child, or have limited and supervised contact only. The accused may also be ordered to stay away from places such as the child's home or school. The conditions in the undertaking are to provide protection for the child.
- If charges are laid, a date will be set for court.

If someone has been charged with sexually abusing a child, that person will have to make decisions that may affect themselves and their family for many years to come. It is in the best interests of the person charged to consult with a lawyer before making those important decisions.

What should family members and friends know?

For family and friends, it can be hard to know what to think or believe. In cases where both the victim and the person being accused are in the same family, it can be even harder. If the person being accused is saying that it didn't happen, it can be especially difficult.

- It is important to believe children who say that they have been sexually abused. The child needs to know that the abuse was not his or her fault and that he or she is not to blame. The child needs to know that you are not angry because he or she told about the abuse.
- Most people who sexually abuse a child do not appear to be different from everyone else. It may be hard to come to terms with a loved one abusing a child. It may contradict everything you know about the person.

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- Someone who has sexually abused a child needs to acknowledge what he or she has done. The behaviour is a sign of something that is not working in his or her life. Treatment can help the person learn new and healthy ways of dealing with the problems in life.
- It may be difficult for a person to admit having sexually abused a child. The person may be worried about what their friends and family may think about them. You can support this person by encouraging him or her to acknowledge the harm done and to seek help for problems. It is easier to do this if the person knows that there will still be people who care about him or her.
- There can be many things that contribute to the behaviour of someone who sexually abuses a child. However, it is important to understand that a person who sexually abused a child made a choice. He or she needs to be held responsible.
- There are services available to help everyone affected by the sexual abuse of a child.

What help is available?

Help is available at the Community Justice Resource Centre for anyone who has sexually abused a child or who thinks that he or she may sexually abuse a child. Help is available whether or not charges are laid. If a person is found guilty of a sexual offence, that person may be ordered to receive treatment.

Programs offered at the Centre are provided by a professional trained in treating people who commit sexual offences. This person is also available to help the family members of the accused person. There are also other community services to help family members.

What happens in court?

Information about the court process can be obtained from CLIA (Community Legal Information Association). The court is open to the public, which means that family and friends of both the accused and the victim can attend.

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Conclusion

Being a family member or friend of a person who has been charged with a sexual offence against a child can be difficult. You may have mixed emotions and you may need support. Information, support and help are available.

Services you may find helpful

- **Community Justice Resource Centre** - provides professional assessment and treatment to anyone who has committed a sexual offence against a child or who thinks that they could commit a sexual offence. Counseling is also available to the family members of someone who has committed, or might commit, a sexual offence against a child. Call 902-368-6391.
- **CLIA (Community Legal Information Association)** - provides verbal and written information about the laws and justice system in PEI. Call 902-892-0853.

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